

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
	)	
<b>Defendant.</b>	)	

**PLAINTIFF ePLUS, INC.’S MOTION *IN LIMINE* NO 6:  
TO EXCLUDE ALLEGED PRIOR ART THAT DEFENDANT UNTIMELY PRODUCED  
AFTER THE CLOSE OF FACT DISCOVERY**

Pursuant to Rules 26, 33, 34 and 37 of the Federal Rules of Civil Procedure and Rules 402 and 403 of the Federal Rules of Evidence, Plaintiff ePlus, Inc., (“ePlus”) respectfully moves that the Court exclude any testimony, expert opinion, evidence or argument from Defendant Lawson Software, Inc. (“Lawson”), concerning documents, source code, and interrogatory responses regarding Lawson’s alleged legacy software produced after the close of discovery. This belated discovery, which relates to Lawson’s own software products, was fully within Lawson’s control and should have been provided at least several months ago in response to ePlus’s initial discovery requests. Because Lawson did not timely provide this discovery, ePlus was denied the opportunity to adequately review and take discovery on the specific Lawson applications and modules that the discovery pertains to.

ePlus therefore respectfully requests that the Court exclude from evidence the untimely disclosed documents, source code, and interrogatory responses, and preclude Lawson from presenting any testimony, evidence or argument pertaining to them. A proposed order is attached to this motion.

Respectfully submitted,

June 18, 2010

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of June, 2010, I will electronically file the foregoing

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with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

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